



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM : D. MUSINGA, JA. (IN CHAMBERS))

CIVIL APPLICATION NO. 316 OF 2015

BETWEEN

KENYA UNION OF EMPLOYEES OF VOLUNTARY

AND CHARITABLE ORGANIZATIONS (KUEVACO).....APPLICANT

AND

ST. JOHN'S COMMUNITY CENTRE – PUMWANI.....RESPONDENT

(An application for leave to file out of time, the appeal against the decision of the Industrial Court of Kenya at Nairobi (E. K Mukunya, J) dated the 27th day of May, 2010

in

Interpretation Application No. 1-52 of 2009)

RULING

The applicant's application dated 24th December, 2013 seeks extension of time to file an appeal. The applicant's representative, Odin Boaz Otieno, was served with today's hearing notice by registered post on 18th August, 2016. I am also informed by Mr. Mwiti, Court clerk, Mr. Otieno was also telephoned and notified of today's hearing date. He has however not attended court to prosecute the application. The respondent is not conceding the application and has filed and served a replying affidavit upon the applicant. Mr. Njiiri, learned counsel for the respondent, has urged the court to dismiss the application for want of prosecution. I am satisfied that the applicant's representative was properly served with today's hearing notice.

Consequently, the application dated 24th December, 2015 is ordered dismissed for want of prosecution. The respondent is awarded costs of the application.

Dated at Nairobi this 7th day of September, 2016.

D. MUSINGA

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JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR